

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KEITH L. NASH,

Petitioner,

V.

TONY SHAVER.

## Respondent.

No. C11-5696 RJB

## ORDER ADOPTING A REPORT AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of the

Honorable J. Richard Creatura, United States Magistrate Judge, dated September 27,

2011. Dkt. 3. The Magistrate Judge recommends that this successive habeas corpus

petition be transferred to the Ninth Circuit Court of Appeals. No objections have been

116

The Court, having reviewed the Report and Recommendation of Magistrate Judge

J. Richard Creatura, and the remaining record, does hereby find and **ORDER**:

1. The Court adopts the Report and Recommendation;
  2. This Petition is transferred to the Ninth Circuit as second or successive as it appears to challenge the same conviction and sentence as a prior habeas corpus petition, C04-5785 FDB.
  3. The Clerk's office is directed to transfer this petition to the Ninth Circuit and administratively close the file.

DATED this 31st day of October, 2011.

Robert F. Bryan

ROBERT J. BRYAN  
United States District Judge